



DEPARTMENT OF THE ARMY
104th AREA SUPPORT GROUP
Unit 20193, Box 0001
APO AE 09165

REPLY TO
ATTENTION OF

AETV-HUG-GC

17 September 2004

SUBJECT: Command Policy (CP) 4-1, Non-tactical Vehicle (NTV) Official Use Guidelines

1. References:

- a. Title 31, U.S. Code, Section 1344.
- b. Article 92, Uniform Code of Military Justice (UCMJ), Failure to Obey a Lawful Order or Regulation.
- c. Article 121, UCMJ, Wrongful Appropriation of Government Vehicles.
- d. DoD 4500.36-R, Management, Acquisition, and Use of Motor Vehicles, 29 Mar 94.
- e. Message, HQ USAREUR DSCLOG, 18 Jan 00, subject: Use of Non-tactical Vehicles (NTV) in Support of USAREUR Community Programs.
- f. AR 58-1, Management, Acquisition, and Use of Motor Vehicles, 28 Jan 00.
- g. AE Regulation 58-1, Management, Acquisition, and Use of Non-tactical Vehicles, 27 Jan 03.
- h. Memorandum, Secretary of the Army, 26 Mar 03, subject: Policy for Travel for the Department of the Army with Supplemental Guidance for Army Personnel Located in the National Capital Region.
- i. Memorandum, IMA-E Region, 8 Aug 03, SFIM-EU-LD-T, subject: Non-tactical Vehicle (NTV) Support to Family Readiness Groups (FRGs).

2. PURPOSE: This policy sets NTV official use guidelines for Army-owned, General Services Administration (GSA) or commercially leased by military or civilian personnel assigned within the 104th Area Support Group (ASG). This policy also provides a basis for investigation of suspected violators by Military Police (MP) performing law enforcement duties within the 104th ASG area of responsibility (AOR).

3. APPLICABILITY: This policy establishes responsibility for all units, activities, and staff elements within the 104th ASG having NTVs assigned on general, extended, or leased dispatch. An NTV is one that is owned or commercially leased by the Department of Defense (DoD) or provided for DoD use by the GSA.

4. POLICY: NTVs are for use in completing DoD missions, i.e., functions, activities or operations.

a. The use of Army-owned or leased NTVs are for official purposes only. The DoD policy is to resolve questions on official use in favor of strict compliance with law and regulations. Because each situation is fact-specific, commanders are encouraged to consult with the Staff Judge Advocate (SJA) Office.

b. Determination of official use takes into account all factors, including whether the use is essential for successful completion of a DoD function, activity, action or operation, and whether the use is consistent with the purpose for which the vehicle was acquired.

c. In accordance with the Secretary of the Army Policy, the following uses of NTVs are NOT permissible:

(1) Personal errands or side trips for unofficial purposes by military personnel, civilian employees, or their family members. Based on this analysis, it is not allowed to use Government transportation to transport Soldiers and family members to Aerial Port of Embarkation (APOE).

(2) Transporting a spouse or visitors without an accompanying DoD sponsor on official business.

(3) Transportation to an official ceremony such as change of command, parade, promotion, retirement, unit activation/deactivation, field demonstration, funeral, or other similar events in a personal (as opposed to official) capacity.

(a) Examples of personal capacity include personal friendship, family ties, or prior professional relationship with the honoree or the unit. Under this analysis, it is not permissible to use Government transportation to attend a farewell luncheon or similar event.

(b) In limited circumstances, commanders can approve transportation for general attendance at events of significant public interests after the request has been reviewed by the senior public affairs and legal advisors. When such travel is approved, it will be by mass transportation rather than individual vehicles.

(4) Transportation to private social functions: Transportation to official after-hours functions, i.e., official meetings, presentations, or speeches, required prior approval from the traveler's supervisor as an exception to policy. In addition, travel must begin and end at the normal place of duty.

d. Other specific statutory, DoD, and Department of the Army (DA) guidance on official use:

(1) Transportation may not be provided solely for reasons of rank, position, prestige, or personal convenience.

(2) Home-to-work transportation violates Federal Law, except as specifically provided for by law or personally approved by the Secretary of the Army (designated positions, and by-name designations). Travel to an official function, other than for Temporary Duty (TDY) travel, that begins or ends at the traveler's home is considered home-to-work transportation.

(3) Transportation between home or place of duty and commercial or military terminals is generally not allowed unless the terminal is located where non-U.S. Government means of transportation (e.g., scheduled train or bus service) are unavailable. However, to meet United States Army Europe (USAREUR) requirements of sponsorship, retention, and quality of life, commanders may allow sponsors to use NTVs to pick up Soldiers/civilians at commercial or military terminals when they arrive in country. Before authorizing use of NTVs for this purpose, commanders must consider and determine that the sponsorship bus (S-bus) does not satisfy mission requirements.

(4) Commanders may also authorize use of an NTV to accomplish in-and-out processing activities when DoD-scheduled transportation (e.g., shuttle busses) or public transportation is not capable of responsively meeting mission requirements. Commanders may not base a decision to authorize use of an NTV on the rank or position of the incoming Soldier/civilian, or of the sponsor.

(5) The general rule is that spouses or other family members will not accompany Government employees on official business at Government expense. The spouse of a Government employee may travel in an NTV when:

(a) Accompanying an official traveler to an official event when there is space available in the vehicle and the Government incurs no additional cost (i.e., official passengers are not bumped and a larger vehicle is not used to make room for the spouse).

(b) Required for reasons of security.

(6) A spouse may travel at Government expense in the spouse's own right when:

(a) Supporting an official volunteer program and the use of an NTV is part of the volunteer job description (such as a registered volunteer with a family support group or Army Community Service, when the volunteer job description includes the use of an NTV).

(b) Conferring with DoD officials on DoD matters and performing a direct service to DoD (i.e., speaking at the Senior Officer Training Program). Orders may be issued by the sponsoring command after consultation with the servicing SJA office.

(c) Attending service-endorsed training courses or briefings (e.g. Pre-Command Course, Brigadier General Training Course, anti-terrorist training course).

(7) Transportation may be approved for authorized group activities such as installation athletic team events, Morale, Welfare and Recreation (MWR) activities, and chaplain's programs when the commander determines that failure to provide transportation would have an adverse effect on morale and when such transportation can be made available without detriment to the Army mission.

(8) On-duty MPs may eat or purchase food at on-Kaserne facilities within the BSB AOR where they are employed. In the event no on-Kaserne facility is available within the patrol's AOR, that patrol may stop to pick-up food on a "take-out" basis from an off-Kaserne facility. The MP must remain in an on-duty status while eating and respond if called.

e. TDY / Temporary Change of Station (TCS) Vehicle Use:

(1) TDY status does not necessarily justify NTV travel. Use of an NTV is predicated on need, distance, and other conditions, including availability of public transportation.

(a) When NTV use is authorized at the TDY site, the NTV may be used for transportation between TDY lodgings and the duty site.

(b) Transportation to entertainment or recreational facilities is prohibited, but if public transportation is impractical, the NTV may be used to travel to local restaurants, places of worship, drugstores, barber shops, laundries, physical training facilities, and similar places for health and comfort.

(2) Vehicles rented by Government employees, when the employee pays the rental company directly and is later reimbursed under TDY orders, are NOT Government vehicles for purposes of official use restrictions. Reimbursement is limited to costs associated with official use of the vehicle. Any costs for off-duty, unofficial use are the employee's personal expense (for example, gas, mileage, and insurance). Vehicles rented under a Government contract, for which the employee does not pay and claim reimbursement, are Government vehicles and are restricted to official use policies.

(3) Personnel on TCS orders are authorized official travel consistent with the rules for TDY travel outlined in paragraph 4e.

f. Shuttle Bus Service:

(1) Shuttle Bus Services are provided fare-free, operated with appropriated funds, and may be provided to the following authorized personnel:

(a) Military personnel and DoD employees traveling between offices and work areas of the installation(s) or activity during designated hours when justified by rider ship.

(b) Enlisted Soldiers traveling between troop billets, places of duty, and dining

facilities, commanders must determine if the travel is incident to performance of duty.

(c) Contractor personnel of the DoD conducting defense business.

(d) Non-DoD employees of Federal Agencies on official business.

(2) When space is available on scheduled shuttle buses, transportation may be provided to the following passenger categories:

(a) Off-duty military personnel or DoD civilian employees.

(b) Reserve and National Guard members.

(c) Dependents of active duty personnel.

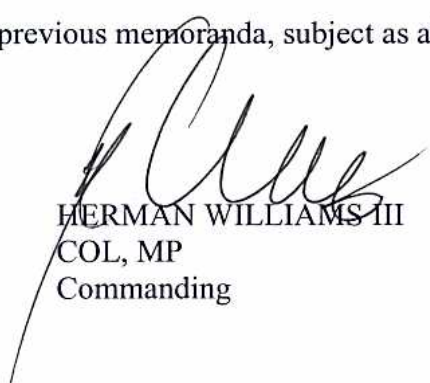
(d) Retirees.

(3) Shuttle Bus Services will not include housing, recreational, or shopping areas unless such areas cannot be reasonably avoided in serving the authorized locations. Shuttle bus service may be provided in isolated areas, with limited support facilities where DOD personnel and dependents need additional life support (medical, commissary, and religious) which directly affects health, morale and welfare of the family. Such an isolated area must not be adequately served by regularly scheduled, timely, commercial mass transportation services.

g. MPs will conduct investigations into suspected violations on DA Form 3975, MP Report. Neither supervisors nor commanders can waive the provisions of Federal Law by authorizing the unlawful use of an NTV. Violators of this policy may be punished under the UCMJ and/or appropriate administrative regulations.

5. Questions concerning specific situations pertaining to the use of NTVs should be directed to the 104th ASG Directorate of Logistics, Transportation Division at DSN 323-3253/3254.

6. This policy memorandum supersedes all previous memoranda, subject as above.



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Commanding